

VERDICT SHEET

Re: Kittywalk v. Midnight Pass  
CV 05-6110  
October , 2007

LANHAM ACT CLAIM

1. Did Kittywalk violate the Lanham Act?

YES

NO \_\_\_\_\_

If you answered YES to Question Number 1, continue to Questions Numbered 2-5.  
If you answered NO to Question Number 1, DO NOT answer any other questions and return to courtroom.

AFFIRMATIVE DEFENSES

2. Has Kittywalk proven, by a preponderance of the evidence that Midnight Pass's Lanham Act claim is barred by consent/acquiescence?

YES

NO \_\_\_\_\_

Continue to Question Number 3.

3. Has Kittywalk proven, by a preponderance of the evidence that Midnight Pass's Lanham Act claim is barred by equitable estoppel?

YES

NO \_\_\_\_\_

Continue to Question Number 4

4. Has Kittywalk proven, by a preponderance of the evidence that Midnight Pass's Lanham Act claim is barred by laches?

YES

NO \_\_\_\_\_

Continue to Question Number 5.

5. Has Kittywalk proven, by a preponderance of the evidence that Midnight Pass's Lanham Act claim is barred by unclean hands?

YES

NO \_\_\_\_\_



If you answered NO to Question 1, Return to courtroom.

If you answered YES to Question 1 AND  
YES to Questions 2 OR 3 OR 4 OR 5, return to courtroom.

**If your answers to Question 1 or to Questions 1-5 DO NOT require you to answer Question 6, "Damages," go no further, return to the courtroom and bring in your verdict.**

**You will only answer Question 6 "Damages" if:**

If you answered YES to Question 1 AND  
NO to Questions 2 AND 3 AND 4 AND 5.  
If this is the case, proceed to answer Question 6 "DAMAGES"

Damages

6. What damages is Midnight Pass entitled to recover as a result of Kittywalk's Lanham Act violation?

Answer A or B but not Both

A. Nominal Damages \$ \_\_\_\_\_

B. Actual Damages \$ \_\_\_\_\_